

UNITED STATES DISTRICT COURT
THE DISTRICT OF MASSACHUSETTS

LENNAR NORTHEAST PROPERTIES, INC.)
d/b/a LENNAR NORTHEAST URBAN)
and LENNAR HINGHAM HOLDINGS, LLC,)
Plaintiffs,)

v.)

Case No. 1:16-cv-12330

BARTON PARTNERS ARCHITECTS)
PLANNERS INC., BUILDING)
ENGINEERING RESOURCES, INC.,)
HIGHLAND CARPENTRY INC., US)
FRAMING INC. USFNE LLC, F.M. HOME)
IMPROVEMENT, INC., and ARCHER)
EXTERIORS, INC.,)
Defendants.)

ARCHER EXTERIORS, INC.,)
Third-Party Plaintiff,)

v.)

JOSE A. GARCIA RODRIGUES d/b/a JAG)
GENERAL CONSTRUCTION; MONTOYA)
CONTRACTORS INCORPORATED; MORENO)
SIDING & ROOFING, INC.; NEW SYSTEM)
ROOFING & SIDING, INC. n/k/a NEW SYSTEM)
QUALITY & EXTERIORS, INC; N.G. HOME)
REPAIRS, LLC; GEMINI EXTERIORS, INC.;)
JOSUE FERNANDEZ d/b/a FERNANDEZ)
CONSTRUCTION; A.G. HOME IMPROVEMENT,)
INC.; AMC QUALITY BUILDERS, LLC;)
JMZ CONSTRUCTION, INC.; LCK)
CONSTRUCTION, INC.; MAGIC DREAM)
HOME IMPROVEMENT INCORPORATED;)
& O.G. SIDING, INC.)
Third-Party Defendants.)

THIRD-PARTY DEFENDANT, LCK CONSTRUCTION, INC.'S
MOTION TO JOIN DEFENDANT F.M. HOME IMPROVEMENT, INC.'S
MOTIONS IN LIMINE

NOW COMES the Third-Party Defendant, LCK Construction, Inc. (“LCK”), by and through counsel, and hereby moves this Honorable Court to permit it to join in the Defendant, F.M. Home Improvement, Inc.’s (“FM”) Motions *in Limine*.

FM filed the following Motions *in Limine* on March 9, 2020:

- 1) Motion *in Limine* to Preclude the Plaintiffs, Lennar Northeast Properties, Inc. d/b/a/ Lennar Northeast Urban and Lennar Hingham Holdings, LLC’s, (collectively “Lennar”) from Introducing Certain Photographs at Trial;
- 2) Motion *in Limine* to Preclude Expert Testimony;
- 3) Motion *in Limine* to Preclude Evidence Relating to Building 3 and 20;
- 4) Motion *in Limine* to Preclude Evidence of Testimony Relating to Attorney’s Fees;
- 5) Motion *in Limine* to Preclude References to 93A or to Dismiss Count V; and
- 6) Motion *in Limine* to Preclude Lennar’s Experts from Relying on Certain Photographs at Trial and to Preclude Expert Testimony.

LCK agrees with the arguments made by FM in these motions. Therefore, in the interest of judicial economy, it seeks to join in these motions.

WHEREFORE, LCK respectfully requests that this Honorable Court:

- a. To allow, in whole or in part, the Motions *in Limine* filed by on or behalf of Defendant, F.M. Home Improvement, Inc., set forth above; and
- b. GRANT any other relief that this Court deems just and proper.

Respectfully Submitted,

**THIRD-PARTY DEFENDANT
LCK CONSTRUCTION, INC.**

By its attorneys,

/s/ William F. Ahern, Jr

William F. Ahern, Jr., Esq.
(BBO#013365)

Jonathan A. Barnes, Esq.
(BBO#680010)

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Dated: March 10, 2020

CERTIFICATE OF SERVICE

I, Jonathan A. Barnes, hereby certify that the above document being filed through the ECF system has been sent electronically to the registered participants, as identified on the Notice of Electronic Filing, and paper or electronic copies will be sent to those individuals indicated as non-registered participants on this 10th day of March, 2020.

/s/ Jonathan A. Barnes

Jonathan A. Barnes (BBO #: 680010)